

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
October 18, 2001**

**BE IT REMEMBERED**, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in regular session at the Mississippi State University, Delta Research and Extension Center in Stoneville, Mississippi, at 8:40 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on October 5, 2001, to each and every member of said Board, said date being at least five days prior to this October 18, 2001 meeting. At the above-named place there were present the following members to wit: Mr. Thomas W. Colbert, Mr. William S. Crawford, Dr. Stacy Davidson, Ms. Ricki R. Garrett, Mr. Bryce Griffis, Mr. Roy Klumb, Dr. D. E. Magee, Jr., Dr. Bettye Henderson Neely, Ms. Virginia Shanteau Newton, Mr. Carl Nicholson, Jr., and Mr. Scott Ross, and Ms. Amy Whitten. The meeting was called to order by Mr. Bill Crawford, President and opened with prayer by Ms. Garrett.

**BOARD DINNER**

Mr. Bill Crawford thanked Dr. Malcolm Portera, President of Mississippi State University, and his faculty and staff for hosting the October 18, 2001 Board dinner at Catfish Point.

**ANNOUNCEMENTS**

Mr. Crawford called on Dr. Charles Lee, Vice President of Agriculture, Forestry and Veterinary medicine and Dean, College of Agriculture and Life Sciences of Mississippi State University, to welcome the Board to the Delta Research and Extension Center. Dr. Lee then called upon Dr. James Smith, Head of the Delta Research and Extension Center, Mississippi State University, to present a PowerPoint presentation about the Delta Research and Extension Center.

**APPROVAL OF THE MINUTES**

On motion by Mr. Klumb, seconded by Ms. Garrett, and unanimously passed by those present, it was

**RESOLVED**, That the Minutes of the Board meeting held on September 20, 2001, stand approved as amended.

**UNANIMOUS CONSENT (UC)**

On motion by Mr. Griffis, seconded by Mr. Klumb, and unanimously passed by those present, it was

**RESOLVED**, That consent to be considered is granted to all items not previously placed on the agenda and hereinafter reported.

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*Mr. Crawford passed the chairmanship of the Board meeting to Dr. Stacy Davidson for consideration of the Academic and Student Affairs Agenda item.*

**ACADEMIC AND STUDENT AFFAIRS AGENDA**

Dr. Stacy Davidson, Chair

**Mississippi e-Campus and Adult Career Development Town Meeting** - Dr. William McHenry, Assistant Commissioner of Academic Affairs, gave a presentation on *Lifelong Learning Opportunities*.

*Dr. Davidson passed the chairmanship of the Board meeting to Mr. Carl Nicholson for consideration of the Budget and Financial Affairs Agenda items.*

**BUDGET & FINANCIAL AFFAIRS AGENDA**

Mr. Carl Nicholson, Chair

On motion by Mr. Crawford, seconded by Mr. Klumb, and unanimously passed by those present, it was

**RESOLVED**, That the Board hereby approves agenda item #1 as submitted on the following Budget and Financial Affairs Agenda. Agenda items #2-4 were approved on a separate motion by Mr. Klumb, seconded by Ms. Garrett, and unanimously passed by those present.

1. **MUW**- Approved request to enter into an agreement with Follett Higher Education Group for the management and operation of the MUW Bookstore. The five-year agreement commences November 19, 2001 through October 31, 2006, with an option to renew for additional successive one-year renewal terms under the same terms and conditions prevailing at the end of the initial term.
2. **MUW** - Approved request to amend the agreement with Sodexo Management, Inc., for the management and operation of food services. The amendment allows for the extension of the agreement for seven additional years, through May 6, 2008, with automatic renewal for successive one-year renewal terms and conditions prevailing at the end of the initial term. In accordance with this amendment, Sodexo shall finance renovations to the Hogarth Dining Center at an amount not to exceed \$500,000.
3. **UMMC** - Approved request to enter into an agreement with Medical Waste Solutions of Mississippi LLC for services that include medical waste management, pickup, transporting, treatment, disposal, documentation, and verification for various University facilities. Medical Waste Solutions of Mississippi LLC responded to a request for proposal originating an agreement for the

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period November 1, 2001 through October 31, 2003. The rate for the University Hospitals and Clinics located at 2500 North State Street and the Jackson Medical Mall on Woodrow Wilson Drive is \$00.19 per pound. The other facilities are \$18.00 per container. The contract for the two-year period will not exceed \$800,000.

4. **UMMC** - Approved request to enter into an agreement beginning October 18, 2001 through June 30, 2002 with Smith, Rouchon and Associates, Inc., for residual accounts. The collection fee will be only those accounts actually placed with Smith, Rouchon and Associates, Inc., for collection and the fee shall be 25% of regular collection accounts.
5. **Other Business**
  - a. **ASU Audit** - Dr. Clinton Bristow, President of Alcorn State University, gave the following update on the ASU Audit:
    - i. ASU has received a Draft Report from the accounting firm of May & Company for the agreed upon procedures. The final report is being issued.
    - ii. The audit for FY 2001 is on schedule pursuant to ASU's Three Point Plan to achieve the goal of having the audit completed by November 30, 2001. No problems have been encountered.
    - iii. Bank reconciliations for FY 2002 are proceeding as scheduled. Two accounts remain to be completed for the month of August.

*Mr. Nicholson passed the chairmanship of the Board meeting to Mr. Bryce Griffis for consideration of the Building Facilities Agenda items.*

**BUILDING FACILITIES AGENDA**

Mr. Bryce Griffis, Chair

On motion by Mr. Crawford, seconded by Mr. Nicholson, and unanimously passed by those present, it was

**RESOLVED**, That the Board hereby approves agenda items #1 - #4 as submitted on the following Building Facilities Agenda. **AGENDA ITEM #5 WAS APPROVED ON A SEPARATE MOTION AS SHOWN BELOW.** Agenda items #6 - #10 were approved on a separate motion by Mr. Crawford, seconded by Mr. Nicholson, and unanimously passed by those present. Agenda items #11 - #15 were approved on a separate motion by Mr. Nicholson, seconded by Dr. Davidson, and unanimously passed by those present.

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1. **JSU** - Approved bids and award of contract in the amount of \$306,940 to the low bidder, Sullivan Enterprises, Inc., for **GS #103-181, ADA Compliance, Phase I**, and request approval by the Bureau of Buildings. Funds are available in the amount of \$306,940 from S.B. 1675, Laws of 1999. Bids were as follows:

<b>Contractor</b>	<b>Base Bid</b>
1. BH & H Construction, Inc.	\$161,800
	Withdrawn
2. Sullivan Enterprises, Inc.	\$306,940
3. Pierce Construction Co., Inc.	\$342,000
4. Hammons, Coleman, Construction Co., Inc.	\$527,000

2. **MSU** - Approved award of contract in the amount of \$375,000 to Sam Oswalt & Son, Inc., for **IHL #205-196, Airport Hanger #3 Replacement**. This hangar was damaged beyond repair during a recent storm. The Mississippi Department of Finance and Administration has approved the award of contract under emergency provisions. Funds are available in the amount of \$124,144 from the Federal Emergency Management Agency, in the amount of \$20,690 from the Mississippi Emergency Management Agency, in the amount of \$20,691 from state-appropriated storm damage funds, and in the amount of \$209,475 from designated airport funds.

3. **UM** - Approved bids and award of contract in the amount of \$313,847 (base bid), to the low bidder, Missco Corporation, for the seating portion of the construction contract for **IHL #207-206, Lamar Law Center Partial Renovation**. Funds are available from a Federal Grant. Bids were as follows:

<b>Contractor</b>	<b>Base Bid</b>	<b>Alternate</b>
1. Missco Corporation	\$313,847.00	(\$15,611.25)
2. Magnolia State School Products, Inc.	\$335,952.20	(\$13,794.15)

4. **UM** - Approved bids and award of contract in the amount of \$107,491 (base bid) to the low bidder, Masonry Construction, Inc., for **Entrance Gates/Rebel Drive, IHL #207-207**. Funds are available from private sources. Bids were as follows:

<b>Contractor</b>	<b>Base Bid</b>
1. Masonry Construction, Inc.	\$107,491
2. Panola Construction	\$114,460
3. J. O. Hooker & Sons	\$118,000
4. Mast Construction, Inc.	\$134,000
5. Jackson Construction of Grenada	\$158,977
6. Sanderson Construction, Inc.	\$159,000

5. **MSU - Initiation of Generating Plant, IHL #205-191**

A motion was made by Mr. Crawford, seconded by Dr. Davidson, to approve the initiation of the construction of a 26 megawatt **Generating Plant, IHL #205-191**, and to approve the request to

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retain the firms of Public Financial Management as financial analyst and Butler, Snow, O'Mara, Stevens & Cannada as bond counsel, pursuant to the approval of bond counsel by the Attorney General's Office. Funds will be furnished from MSU EBC Bonds in the amount of \$17 million.

Mr. Ross severed the issue of retaining the firm of Butler, Snow, O'Mara, Stevens & Cannada as bond counsel from the above motion. Pursuant to *Board Policies and Bylaws* Section 301.0517 Postponement of Board Consideration, Mr. Ross also **invoked the privilege of temporarily postponing Board action** on the bond counsel issue until the next regularly scheduled Board meeting.

On motion by Mr. Colbert, seconded by Ms. Whitten, and unanimously passed by those present, the Board approved the initiation of the construction of a 26 megawatt **Generating Plant, IHL #205-191**, and approved the request to retain the firm of Public Financial Management as financial analyst. Funds will be furnished from MSU EBC Bonds in the amount of \$17 million.

6. **USM** - Approved initiation of the **2001 Roofing Program** for the R.C. Cook Union Building, appointment of Albert and Associates as project professionals, and request approval by the Bureau of Buildings. Funds are available in the amount of \$500,000 from S.B. 3158, Laws of 2001.
7. **MSU** - Approved construction documents and authorize the advertisement for the receipt of bids for **IHL #205-187, Longest Student Health Center**. Funds are available in the amount of \$200,000 from Longest Student Health Center self-generated funds and in the amount of \$1,500,000 from MSU EBC Bond funds.
8. **MSU** - Approved contract documents for **GS #113-079, Gulf Coast Research and Extension Building**, and request approval by the Bureau of Buildings. Funds are available in the amount of \$750,000 from H.B. 1843, Laws of 1997, and in the amount of \$3 million from S.B. 3254, Laws of 1998.
9. **UM** - Approved construction documents and authorize the advertisement for the receipt of bids for **IHL #207-183, LeBauve Hall Renovations**, for the Trent Lott Leadership Institute. Funds are available in the amount of \$2,080,000 from private donations.
10. **UM** - Approved construction documents and authorize the advertisement for the receipt of bids for **IHL #207-206, Lamar Law Center Partial Restoration, Phase II**. Funds are available in the amount of \$1,770,659 from a Federal Grant.

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11. **USM** - Approved construction document phase and authorize the advertisement for the receipt of bids for **IHL #208-228, Peck House Alterations**. Funds are available in the amount of \$750,000 from the USM Foundation.
12. **MSU** - Approved Changer Order #9 which adds a total of \$108,200.20 and no days to the contract time for **IHL #205-154, Swalm Chemical Engineering Building**. Funds are available in the amount of \$3 million from S.B. 3195, Laws of 1995; in the amount of \$1 million from H.B. 1666, Laws of 1996; and in the amount of \$14,806,350 from private gifts. for a total budget of \$18,806,350.
13. **UM** - Approved purchase of 1.1 acres of property located off Fraternity Row adjacent to the Chancellor's residence and presently owned by Mr. Billy Holcomb. The property has been appraised at an average of \$315,000 and the purchase price is \$300,000. Funds are available from University funds designated for property acquisition.
14. **UMMC** - Approved request to purchase property located at 421 South Stadium Drive, Jackson, Mississippi. The property has been appraised at an average of \$552,500 and the purchase price is \$318,000. Funds are available from interest earnings.
15. **USM** - Approved request to enter into a lease agreement with BellSouth Mobility, LLC, subject to the review of the lease by the Attorney General's Office. This is to allow BellSouth Mobility, LLC, to operate a PCS system for broadcast, transmission, and reception of communication signals. The lease period is five years for \$1,667 per month. The lessee is responsible for all costs to construct the PCS system and also responsible for monthly utilities and maintenance to operate and maintain the system.

*Mr. Griffiths passed the chairmanship of the Board meeting to Dr. Thomas Layzell for consideration of the Personnel/Foreign Travel Agenda items.*

**PERSONNEL/FOREIGN TRAVEL AGENDA**

Presented by Dr. Thomas Layzell

On motion by Dr. Neely, seconded by Mr. Ross, and unanimously passed by those present, it was

**RESOLVED**, That the Board hereby approves the employment of personnel items as submitted on the following Personnel/Foreign Travel Agenda. The termination of personnel items were approved on a separate motion by Mr. Crawford, seconded by Dr. Davidson, and unanimously passed by those present. The change of status items were approved on a separate motion by Mr.

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Klumb, seconded by Dr. Neely, and unanimously passed by those present. The award of emerita/emeritus status items were approved on a separate motion by Mr. Griffis, seconded by Dr. Neely, and unanimously passed by those present. The nullification of sabbatical leave item and agenda item #2 were approved on a separate motion by Mr. Klumb, seconded by Ms. Garrett, and unanimously passed by those present. Agenda item #3 was approved on a separate motion by Dr. Davidson, seconded by Mr. Klumb, and unanimously passed by those present. **AGENDA ITEM #4 WAS HELD UNTIL NEXT MONTH.**

**1. Personnel Report**

**EMPLOYMENT OF PERSONNEL**

**Delta State University**

Fratesi, Beverly J.  
Lambert, Larry Lyle  
Pennington, Cassie

**Jackson State University**

Grant, George  
Li, Yadong  
Mawson, Anthony R.  
Parham, James B.  
Robinson, Wayne B.

**Mississippi State University**

Chu, Mark Y.  
Dinsmore, Stephen J.  
Lawrence, David L.  
Rent, Clyda S.

**Mississippi Valley State University**

Lee, Wilson

**University of Mississippi**

Avant, Toni D.  
Pierce, Derrill

**University of Mississippi Medical Center**

Brown, Julie

Chatterjee, Pia

Hatcher, Kim

Jones, Warren A.

Lantrip, Danny

Pride, Richard

Regunathan, Soundar

Roach, Madalyn H.

**University of Southern Mississippi**

Gonzalez, Christine  
McMahon, Mary Jane

**CHANGE OF STATUS**

**Jackson State University**

Buchanan, Debra A.

**Mississippi State University**

Mitchell, Dennis J.  
Norment, Bev R.

**TERMINATION**

**Delta State University**

Armishaw, James F.  
Dodge, Ronald L.  
Papian, Sharon  
Richardson, Hedy  
Steele, Lynda

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Johnson, Russell Shayne  
McLemore, Eugene L.

Stingley, Ailean Chase  
Toerne, Theodore

**Mississippi State University**

Christmas, Rodney A.

**University of Southern Mississippi**

Borsig, James B.  
Fleming, Horace W.

**Mississippi Valley State University**

Bahadur, Raj  
Branch, Horace R.  
McDonald, Nathan  
Wicks, Bobbie G.

**EMERITA/EMERITUS STATUS**

**Jackson State University**

Sullivan, Richard H.

**University of Mississippi**

Kujdych, Natalia  
Williams, Max W.

**University of Southern Mississippi**

Austin, Karen  
Fontecchio, Giovanni  
Hill, Robert B.  
Hunt, David M.

**University of Mississippi Medical Center**

Cobb, George W., Jr.  
Dorsey, L.C.  
Harris, William J., III  
Ingram, Stacy  
Richards, Benjamin J.  
Sheffield, Kimberly

**NULLIFICATION OF SABBATICAL  
LEAVE**

**University of Mississippi Medical Center**

Felder, Sherry J.

2. **System Administration** - Approved the Quarterly Employment Report which is a summary of new hires for the quarter ending June 30, 2001. A copy of the report is included in the bound *October 18, 2001 Board Working File*.

3. **System Administration** - Approved foreign travel as follows:

**FOREIGN TRAVEL**

**Jackson State University**

Lee, Kayester (Student)  
Liddell, L. Frances  
Moreland-Young, Curtina  
Selmon, Dickey (Student)  
Sutton, Dwayne (Student)

Cairo, Egypt  
Cairo, Egypt  
Cairo Egypt  
Cairo, Egypt  
Cairo, Egypt



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Tchnounwou, Paul  
Yuan, Pao-Chiang

Cairo, Egypt  
Hangzhou Zhejiang, China

**Mississippi State University**

Aktosun, Tuncay  
Bridges, Susan  
Chambers, Janice E.  
Koshka, Yaroslav  
Lestrade, Patricia  
Lestrade, Patrick  
Los, Andrei  
Mack, Taylor E.  
Mazzola, Michael  
Mylroie, Joan R.  
Mylroie, John E.  
Panuska, Bruce C.  
Razzaghi, Mohsen  
Rodgers, John R.  
Smith, Michael C.  
Soni, Bharat  
Valsalam, Vinod  
Zellers, Sarah D.

Athens, Greece  
Melbourne, Australia  
Cancun, Mexico  
Tsukuba, Japan  
Toulouse, France  
Toulouse, France  
Tsukuba, Japan  
San Salvador Island, Bahamas  
Tsukuba, Japan  
San Salvador Island, Bahamas  
San Salvador Island, Bahamas  
San Salvador Island, Bahamas  
Antalya, Turkey  
San Salvador Island, Bahamas  
Tsukuba, Japan  
Rome, Italy and Pohang, Korea  
Sarov, Russia  
San Salvador Island, Bahamas

**Mississippi University for Women**

Fortman, Jon R.  
Pacelli, Joseph

Montreal, Quebec, Canada  
Guadalajara, Mexico

**University of Mississippi**

Buchannon, Robin  
Deweese, Herbert E.  
Elam, Rick  
Fischer, Nikolaus  
Jenkins, Phyllis  
Landis, Dan  
Lee, Kai-Fong  
Raspet, Richard  
Rose, Gregory M.  
Smith, Whitman  
Summers, Don

Hilo and Honolulu, Hawaii  
Aix-en-Provence and Nice, France  
Rio De Janeiro, Brazil  
Monterrey, Mexico  
Montreal, Quebec, Canada  
Taipei, China  
Hong Kong, China and Taipei, Taiwan  
Puerto Vallarta, Mexico  
Oahu, Hawaii  
Toronto, Ontario, Canada  
Geneva, Switzerland

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Threlkeld, Stephen  
Wang, Sam

Halifax, Canada  
Cairo, Egypt

**University of Mississippi Medical Center**

Bissette, Garth  
Esposito, Domenic P.  
Gaymes, Charles H.  
Geissler, William B.  
Hall, John  
Harrison, Sean W.  
Kregor, Philip James  
Lineaweaver, William  
Morano, James  
Piletz, John E.  
Rajkowska, Grazyna  
Sewell, Patrick E.  
Shingleton, W. Bruce  
Stockmeier, Craig A.  
Younis, Ramzi T.

Waikoloa, Hawaii  
Rome, Italy  
St. Kitts, West Indies  
Davos, Switzerland  
San Jose del Cabo, Mexico  
Munich, Germany  
Davos, Switzerland  
Cancun, Mexico  
Munich, Germany  
Waikoloa, Hawaii  
Waikoloa, Hawaii  
Bangkok, Thailand  
Bangkok, Thailand  
Waikoloa, Hawaii  
Davos, Switzerland

**University of Southern Mississippi**

Asper, Vernon  
Buler, Jeffrey (Student)  
Harsh, John  
Hendry, Jennifer (Student)  
Johnson, Jeffrey (Student)  
Kuczaj, Stan  
LeBourgeois, Monique (Student)  
Mahoney, Kevin (Student)  
Mollenhaver, Jeff (Student)  
Nelson, Eric  
Owen, Jennifer (Student)  
Paulos, Robin (Student)  
Powell, Laura (Student)  
Ramos, Joana (Student)  
Ryan, Maureen  
Sanders, Christy  
Skilling, Ian  
Tegeder, Joe (Student)

Antarctica  
Sweden  
Uruguay  
Canada  
Antarctica  
Canada  
Uruguay  
Antarctica  
Sweden  
United Kingdom  
Sweden  
Canada  
Canada  
Canada  
France  
Canada  
New Zealand  
Antarctica

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Tranel, Karissa (Student)	Canada
Walker, Sharon	Hawaii

**System Administration** - Emergency approval of foreign travel was granted by Commissioner Thomas D. Layzell per *Board Policy* 705.0103 for the following:

**Mississippi University for Women**

Gregg, Janice R.	Germany
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**University of Mississippi**

Ge, Yanling (Student)	Toronto, Ontario, Canada
Hale, E. F., III	Waldorf, Germany
Handforth, Frank	Toronto, Ontario, Canada
McLaughlin, Richard	Belmopan, Belize
Meredith, Joseph (Student)	Toronto, Ontario, Canada
Moore, Matthew (Student)	Honolulu, Hawaii
Walker, Milan Mark	Toronto, Ontario, Canada

**University of Southern Mississippi**

Ellis, Greg	Canada
Janes, Sharyn	Cuba
Jones, Gary	Canada
Kudisch, Jeffrey	Germany
Lundquist, Cara (Student)	Germany
Mauritz, Kenneth	Canada

4. **System Administration** - A motion was made by Mr. Nicholson seconded by Dr. Neely to accept the following amendment to the *Board Policies and Bylaws*— Executive Officer Appointment and Evaluation— for first reading. **Mr. Nicholson withdrew the motion. THIS ITEM WILL BE HELD UNTIL NEXT MONTH.**

**206.011 Executive Officer Appointment and Evaluation**

- A. Executive Officer  
The term “executive officer” refers to the Commissioner and each Institutional Executive Officer.
- B. Appointment of Executive Officers  
The Board shall appoint each executive officer for a term not exceeding four years. Any appointments subsequent to the initial appointment shall also be for a term not exceeding four years. The terms and conditions of an executive officer’s appointment shall be specified in a written employment contract. The Board may terminate the employment contract at any time for financial exigencies as declared by the Board; malfeasance, inefficiency or

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- contumacious conduct; or for cause.
- C. Evaluation of Executive Officers  
The Board shall meet with and formally evaluate each executive officer two times during each term of appointment. The first formal evaluation shall occur approximately midway through the executive officer's employment contract. The second formal evaluation shall occur in the final year of the executive officer's employment contract at least six months prior to the termination date of the contract. On request of an executive officer or a Board member, the Board, in its sole discretion, may informally review an executive officer's performance at any time during his or her term of appointment.
- D. Evaluation Criteria  
The broad areas in which an executive officer shall be evaluated include effectiveness as a leader and manager, the ability to communicate and develop positive relationships with internal and external constituencies, compliance with law and policy, progress in addressing Board and institutional goals and priorities, decision making, and personal characteristics. The purpose of evaluation is to enable the Board and the executive officer to discuss the executive officer's performance, and for the Board to consider the terms and conditions of the executive officer's continued employment, or the terms and conditions of his or her separation from employment.
- E. Evaluation Report  
At least 10 days prior to each formal evaluation, the executive officer shall submit an evaluation report to the Board in a format and containing such information as may be prescribed by the Board and any additional information deemed appropriate by the executive officer. The Board, in its sole discretion, may supplement the evaluation report through solicitation of confidential comments from faculty, staff, and student organizations, community leaders, officials of the legislative and executive branches of the state and federal governments, alumni associations, university foundations and other appropriate individuals and organizations.

**UNANIMOUS CONSENT AGENDA**

Presented by Dr. Thomas Layzell

On motion by Mr. Nicholson, seconded by Dr. Davidson, and unanimously passed by those present, it was

**RESOLVED**, That the Board hereby approves agenda item #1 as submitted on the following Unanimous Consent Agenda. Agenda item #2 was approved on a separate motion by Dr. Magee, seconded by Dr. Neely, and unanimously passed by those present. Agenda item #3 and #4 were approved on a separate motion by Mr. Griffis, seconded by Dr. Davidson, and unanimously passed by those present. Agenda item #5 and #6 were approved on a separate motion by Mr. Griffis, seconded by Dr. Neely, and unanimously passed by those present. Agenda item #7 was approved on a separate motion by Mr. Griffis, seconded by Dr. Davidson, and unanimously passed by those present. Agenda item #8 was approved on a separate motion by Dr. Neely, seconded by Ms. Whitten, and unanimously passed by those present.

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1. **UMMC** - Approved employment of the following personnel: Ronnie K. Brown and Jeffrey D. Crout.
2. **JSU** - Approved request to execute an agreement with West Jackson Student Housing, LLC, to market and refer students to a privately developed apartment complex built on private land. This agreement is subject to the conditions as outlined in the legal opinion rendered by outside counsel, Larry Clark, Esq., of Watkins Ludlam Winter & Stennis, P.A. dated October 3, 2001. A copy of the legal opinion is included in the *October 18, 2001 Board Working File*.
3. **MVSU** - Approved professional leave without pay for the following personnel: Pamela Monaco and Joseph Wahome.
4. **MVSU** - Approved foreign travel for Pamela Monaco to Tartu, Estonia.
5. **MVSU** - Approved bids and award of contract in the amount of \$961,388 (base bid plus alternates #1 and #2) to the low bidder, Delta Constructors, Inc., for **GS #106-177, Waste Water Treatment Improvements**, and request approval by the Bureau of Buildings. Funds are available from S.B. 3315, Laws of 2000, and S.B. 3158, Laws of 2001. Bids were as follows:

Contractor	Base Bid	Alternates
1. Delta Constructors, Inc.	\$939,388	1. \$ 8,000 2. \$14,000
2. Greenbriar Digging Services Limited Partnership	\$947,400	1. \$ 7,800 2. \$15,000
3. Hemphill Construction Co., Inc.	\$955,900	1. \$ 6,800 2. \$12,500
4. Shannon Engineering & Construction, Inc.	\$989,460	1. \$ 7,500 2. \$16,000
5. Morrison, Jerry Company, Inc.	\$1,023,933	1. \$13,000 2. \$20,000

6. **System Administration** - Approved request to award an Oil, Gas and Mineral lease in the amount of \$39,627.23 for Parcel #1, in the amount of \$42,267.23 for Parcel #2, in the amount of \$20,021.55 for Parcel #3, and in the amount of \$99,632.91 for Parcel #4 to the only bidder, DevonEnergy Production Company, L.P. A complete description of each land parcel is included in the bound *October 18, 2001 Board Working File*.
7. **USM** - Approved request for a list of architectural firms to be submitted to the Bureau of Buildings to schedule interviews for offering design services for **GS #108-211, Health and Human Sciences**. The architectural firms are as follows: Studio South & Eley Associates (a joint venture), JH & H Architects, Albert and Associates, and Foil Wyatt Architects. Funds are available in the amount of \$500,000 from S.B. 3158, Laws of 2001, to finance project preplanning.

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8. **System Administration** - Approved amendment to the *Board Policies and Bylaws*— Section 1102 Retention and Payment of Outside Counsel— for first reading as follows:

1102 Retention and Payment of Outside Counsel\*

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~~\*Please note that these procedures do not apply to matters falling exclusively within the Mississippi Tort Claims Act. Assignments under the Mississippi Tort Claims Act are made by the IHL Risk Manager from the list of approved attorneys. Tort claims invoices are submitted directly to the third party claims administrator and are paid in accordance with the IHL Tort Claims Plan.~~

~~Please note that these procedures do not apply to workers' compensation matters. Assignments for workers' compensation matters are made by the Attorney General by way of request from the IHL Risk Manager and the third party claims administrator. Workers' Compensation invoices are submitted directly to the third party claims administrator. The invoices are paid in accordance with the IHL Workers' Compensation Plan.~~

Please note that these procedures do not apply to Ayers-related legal fees. Ayers-related legal fees will continue to be submitted for Board approval following approval by the Attorney General.

*Dr. Layzell passed the chairmanship of the Board meeting to Mr. Thomas Colbert for consideration of the Task Force Efficiencies Agenda item.*

**TASK FORCE EFFICIENCIES AGENDA**

Mr. Thomas Colbert, Chair

**Status Report** - Mr. Colbert gave a status report on the committee's progress. He commented on the spirit of cooperation between the IHL staff and the universities in relation to this project. Next month a more detailed status report will be given. A copy of the current status report is included in the bound *October 18, 2001 Board Working File*.

*Mr. Colbert passed the chairmanship of the Board meeting to Mr. Scott Ross for consideration of the Technology Agenda item.*

**TECHNOLOGY AGENDA**

Mr. Scott Ross, Chair

**Electronic Distribution of Board Materials** - Dr. Thomas Layzell, Commissioner of Higher Education, gave a brief overview of the information gathering process for materials presented to the Board. Mr. Al Lind, Assistant Commissioner of Technology, demonstrated how to view the Board materials from a CD. All the Board members agreed to use the CD for receipt of the November 15, 2001 Board materials.

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*Mr. Ross passed the chairmanship of the Board meeting to Dr. Clinton Bristow, President of Alcorn State University.*

**PRESIDENTS' COUNCIL**

Presented by Dr. Clinton Bristow, Jr., President  
Video Conference, October 3, 2001

**I. Texas A&M Management Report**

This report was discussed. The Commissioner indicated that strategic indicators are being pulled together by the IHL staff to begin formulating an IHL management document, e.g., financial, space utilization but not as a funding document or for purposes of micro-management.

The Commissioner asked for feedback on the Texas A&M Management Report. The Presidents responded as follows:

- A. We must be careful to avoid data over-load.
- B. The report should be used to promote system needs and funding.
- C. The report shows the Board what we should be doing for purposes of how to improve the universities so that policies can be set; data elements should be collected and presented the same way.
- D. The information should come out in one document as a management tool.
- E. The model should provide a concise computation of data to measure the health of the universities but we must agree on data definitions.
- F. We need to get agreement with the Board as to which variables are important to them.
- G. The model will be helpful.
- H. The model is a good management tool, but definitions must be clear.
- I. The model is good, but definitions are important, attempt to avoid data overload.
- J. The model is helpful but can we do it with present resources? Also, it should be revised over time to fit Mississippi; it should be more than a management tool.

The Commissioner indicated that the project would be assigned to the Board's Efficiencies Task Force. The IHL staff and the Presidents should first agree on key variables.

**II. Procedures for Implementing Energy Performance Contracts**

The Commissioner asked for feedback on the procedures. The general consensus was acceptance of the procedures. However, it was requested that a look be taken at a dollar threshold that would not require Board approval.

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III. Budget Hearings

A. Non-resident Tuition

The Commissioner asked the Presidents for thoughts on non-resident tuition. 21% of IHL enrollment is non-resident. The majority of this 21% is at four institutions. Also, there are 4,641 non-resident waivers equaling \$14.5 million. The Presidents responded as follows:

1. We should show that no Mississippi resident is being denied access to accommodate non-residents.
2. Out-of-state tuition is not a solution to state budget problems.
3. Mississippi makes money on non-residents. Most non-residents are only one generation removed from Mississippi.
4. Mississippi State University gets a significant number of high achieving students from out-of-state. The graduate program would be significantly affected.
5. We would have a very challenging problem without non-resident students. Graduate students are doing research that add value.
6. Out-of-state students are already being charged 2½ times tuition of in-state students.
7. The value that out-of-state students add is more than their cost from an economic impact view.
8. We need to analyze the data on out-of-state students, waiver cost needs to be viewed as non-revenue and not as an expense, and disaggregate the data to see how many are athletes.
9. The medical school is for Mississippi residents only except for those in residency status. Non-residents get stipends.
10. We should meet with influences/friends and explain the benefits of out-of-state students.

B. Enrollment Caps

The Commissioner indicated that enrollment caps need to be discussed by focusing on two key questions:

1. Enrollment caps by institutions?
2. Enrollment caps by programs?

The Presidents responded as follows:

1. Caps might help economically and with *Ayers*.
2. Caps are dangerous because of access issues.
3. Caps should be driven by resources; ability to provide an education perspective.
4. Mississippi State University is looking at the possibility of capping freshman enrollment; interested in changing the admissions criteria within the law of *Ayers*.



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5. Caps are not an issue for the Veterinary Medicine School.
6. Selectivity is acceptable.
7. Mississippi Valley State University is not interested in enrollment caps.
8. University of Mississippi has reached maximum capacity and each institution should be allowed to develop its own enrollment management approach.
9. This is not an issue for the Medical school because enrollment is capped by accrediting bodies.
10. Each institution should develop its own plan with Board approval.

IV. Retreat Rescheduling

The retreat will be rescheduled to discuss:

- A. Budget Process
- B. Maintaining the Momentum/Economic Impact

The meeting was adjourned.

*Dr. Bristow passed the chairmanship of the Board meeting to Ms. Ricki Garrett, for an update on the Mississippi University for Women Presidential Search Committee.*

**Mississippi University for Women Presidential Search Committee**

Ms. Ricki Garrett, Chair  
Monday, October 17, 2001

The Committee was brought to order by Ms. Garrett, Chair. The Committee approved the MUW Campus Advisory Committee with Dr. Sheila Adams, Head of the Division of Nursing, as chair. The MUW Campus Advisory Committee will meet on November 6, 2001 with the Board Search Committee and the consultant, Ms. Jan Greenwood of A. T. Kearney of Alexandria, Virginia.

**No further action was taken.**

The following members of the Committee were present: Ms. Garrett (Chair), Dr. Neely, Mr. Ross, and Ms. Whitten. Dr. Davidson was absent.

*Ms. Ricki Garrett passed the chairmanship of the Board meeting to Ms. Virginia Shanteau Newton for an update on The University of Southern Mississippi Presidential Search Committee.*

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**University of Southern Mississippi Presidential Search Committee**

Ms. Virginia Shanteau Newton, Chair

Ms. Newton announced that the Board Search Committee will meet immediately following the Board meeting today. Dr. Anselm Griffin, Provost of The University of Southern Mississippi, as chair of the USM Campus Advisory Committee has compiled a list of potential committee members. The Board Search Committee hopes to finalize the members list today. October 31, 2001 is the targeted date for the Board Search Committee and the USM Campus Advisory Committee to meet on campus.

*Ms. Newton passed the chairmanship of the Board meeting to Mr. Crawford.*

**EXECUTIVE OFFICER EVALUATION (EOE) TASK FORCE**

Mr. Bill Crawford appointed the following Board members to the EOE Task Force: Ms. Amy Whitten (Chair), Mr. Bill Crawford, Dr. D. E. Magee, Dr. Robert Khayat (Chancellor of The University of Mississippi), Dr. Clinton Bristow (President of Alcorn State University), and Dr. Thomas Layzell. This task force will review Dr. Layzell's work and look at the executive evaluation process by other governing boards. A report of the findings will be given to the full Board as soon as possible.

*Mr. Crawford passed the chairmanship of the Board meeting to Ms. Ricki Garrett for consideration of the Legal Agenda items.*

**LEGAL AGENDA**

Ms. Ricki Garrett, Chair

1. **System Administration (Information item.)** - Payment of legal fees.
  - a. Approved payment of legal fees to outside counsel in relation to litigation and other matters, as follows:  
Payment of legal fees for professional services rendered by Wells, Moore, Simmons & Hubbard (Statement dated 8/29/01) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the *Salter* case.)

**TOTAL DUE ..... \$1,905.71**

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Payment of legal fees for professional services rendered by McCalla, Thompson, Pyburn, Hymowitz & Shapiro (Statement dated 8/28/01) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the *Thompson* case.)

**TOTAL DUE ..... \$112.00**

Payment of legal fees for professional services rendered by Adams and Reese (Statements dated 6/27/01, 6/27/01, 6/26/01, 8/15/01, 5/14/01, 7/16/01, 8/17/01, and 8/20/01) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the following cases: ‘*Rea*’ - \$1,179.83; ‘*McDonald*’ - \$988.00; ‘*Wilson*’ - \$933.35; ‘*McDonald*’ - \$1,435.00; ‘*Wilson*’ - \$1,326.95; ‘*Wilson*’ - \$1,004.99; ‘*Wilson*’ - \$8,100.00; and ‘*Rea*’ - \$377.00.)

**TOTAL DUE ..... \$15,345.12**

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (Statement dated 12/6/00) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with provider based services.)

**TOTAL DUE ..... \$127.50**

Payment of legal fees for professional services rendered by Stubblefield Harvey & Shivers (Statements dated 8/21/01) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the following: ‘*Phillips*’ - \$3,079.60; ‘*Aircraft lease*’ - \$334.81; and ‘*Shack*’ - \$498.27.)

**TOTAL DUE ..... \$3,912.68**

Payment of legal fees for professional services rendered by Bryan, Nelson, Randolph and Weathers (Statements dated 3/1/01 and 9/4/01) from the funds of The University of Southern Mississippi. (These statements represent services and expenses in connection with the *Krystek* case - \$4,353.26 and the *Williams* case - \$469.77.)

**TOTAL DUE ..... \$4,823.03**

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Payment of legal fees for professional services rendered by Lawrence Bernstein (Statement dated 9/5/01) from the funds of Mississippi University for Women. (This statement represents services and expenses in connection with the MUW radio station.)

**TOTAL DUE ..... \$163.75**

- b. Approved payment of legal fees to outside counsel in relation to patent work for universities, as follows:

Payment of legal fees for professional services rendered by Needle & Rosenberg (Statements dated 8/31/01) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with patent applications for "Methods for stabilization and renaturation of proteins using nucleolar protein B23" - \$3,912.00 and "Medical Gas Utility Stand" - \$60.00.)

**TOTAL DUE ..... \$3,972.00**

Payment of legal fees for professional services rendered by Piper Marbury Rudnick & Wolfe (Statements dated 8/22/01, 8/21/01, 7/31/01, 7/31/01, 8/15/01, 7/31/01, and 8/15/01) from the funds of Mississippi State University. (These statements represent services and expenses in connection with "A method for measuring the speed of hit sports balls" - \$97.34; "On-site biological treatment of contaminated fluids" - \$566.26; "In-situ, real time viscosity measurement of molten materials..." - \$475.95; "Analytical method using laser-induced breakdown spectroscopy" - \$475.00; "Multi-component process analyzer and controller" - \$897.24; "Optical-reflectance-based mass-flow..." - \$1,025.03; and "The Silicon Carbide: Germanium (SiC:Ge) heterojunction bipolar transistor..." - \$321.92.)

**TOTAL DUE ..... \$3,858.74**

Payment of legal fees for professional services rendered by J. T. Martin (Statement dated 9/1/01) from the funds of The University of Mississippi. (This statement represents services and expenses in connection with work on the trademark RECKON.)

**TOTAL DUE ..... \$50.00**

2. **System Administration (Information item.)** - Approved, upon review and recommendation of the Office of the Attorney General, the Litigation Report for October 1, 2001. The report is included in the bound *October 18, 2001 Board Working File*.

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3. **System Administration** - Pursuant to *Board Policies and Bylaws* Section 301.0517 Postponement of Board Consideration, Ms. Whitten **invoked the privilege of temporarily postponing Board action** on the proposed amendment to *Board Policies and Bylaws* Section 801.13 Policy Against Sexual Harassment until the next regularly scheduled Board meeting. The policy is as follows:

801.13                      POLICY AGAINST SEXUAL HARASSMENT

IHL seeks to foster an atmosphere of respect and dignity for all members of the IHL community. To this end, IHL is committed to maintaining a work and learning environment free of sexual harassment. It shall be the policy of this Board to prevent sexual harassment and ~~promptly and appropriately address~~ **that** allegations of sexual harassment at its Board offices and the governed institutions **are promptly and appropriately addressed**. Accordingly, the IHL Board offices and each of the governed institutions shall maintain and disseminate or otherwise publicize, a sexual harassment policy and procedure.

4. **Other Business** -
- a. Dr. Layzell announced that next Tuesday, October 23, 2001, an Opt Out Hearing is being held in Oxford, Mississippi concerning the *Ayers* case. The hearing is based on the motion of members of the plaintiff class who contend they want to opt out of that class because they disagree with the settlement agreement. The Court has granted Mr. Alvin Chambliss six hours to present evidence as to why the people he represents should be allowed to opt out of the class. This will be a two-day hearing.
  - b. Ms. Newton expressed that she was most impressed with Stoneville and expressed her appreciation for being there.

5. **Executive Session**

On motion by Mr. Crawford, seconded by Mr. Griffis, and unanimously passed by those present, the Board voted to close the meeting to determine whether or not it should declare an Executive Session. On motion by Mr. Crawford, seconded by Mr. Nicholson, and unanimously passed by those present, the Board **voted to go into Executive Session** for the reason later reported by the President in Open Session and stated in these minutes, as follows:

Discussion of a litigation matter at The University of Mississippi.

**On motion by Mr. Crawford, seconded by Mr. Klumb, and unanimously passed by those present, the Board voted to return to Open Session.**

The following report on the Executive Session was given by the President:

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On motion by Mr. Nicholson, seconded by Mr. Crawford, and unanimously passed by those present, the Board approved the settlement of the case styled *Joyce A. Maudie v. the State of Mississippi, Acting by and Through the Board of Trustees of State Institutions of Higher Learning and the University of Mississippi and Edward Crawford*.

**No further action was taken.**

*Ms. Garrett passed the chairmanship of the Board meeting to Mr. Crawford.* Mr. Crawford reminded The University of Southern Mississippi Search Committee members of the meeting immediately following the Board meeting.

**PLANNING AGENDA**

Ms. Amy Whitten, Chair  
Wednesday, October 17, 2001

Ms. Whitten, chair, brought the meeting to order. On motion by Mr. Crawford, seconded by Ms. Newton, with Mr. Colbert absent and not voting, the Board approved the FY 2004-2008 System Goals; the Preliminary FY 2004 Planning and Budget Priorities; and the 2001 Accountability Measures Report.

The following Board members attended the meeting: Ms. Whitten (Chair), Mr. Crawford, Dr. Davidson, Ms. Garrett, Mr. Griffis, Mr. Klumb, Dr. Magee, Dr. Neely, Ms. Newton, Mr. Nicholson, and Mr. Ross. Mr. Colbert was absent.

**ADJOURNMENT**

There being no further business to come before the Board, on motion by Dr. Davidson, seconded by Ms. Whitten, and unanimously passed by those present, the Board members voted to adjourn.

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President, Board of Trustees of State Institutions of Higher Learning

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Commissioner, Board of Trustees of State Institutions of Higher Learning